

REMARKS

In response to the Office Action mailed February 4, 2003, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the objections and rejections made in the Office Action is addressed herein.

Claims 2-38, 40-70, and 72 are pending in this application, of which claims 8, 19, 42, 43, 44, 45, 49, 52 and 53 are independent claims. By this Amendment, Applicants have cancelled claims 1, 39 and 71 and have amended claims 2-5, 8, 19, 40-45, 49 and 52. Applicants also have added new dependent claim 72 to further define Applicants' contribution to the art. No new matter is added. The application as now presented is believed to be in allowable condition.

A. Allowed and Allowable Subject Matter

Applicants note with appreciation that on page 3 of the Office Action, claims 53-70 are indicated as allowed.

Applicants also note with appreciation that on page 4 of the Office Action, claims 8-38 and 42-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Accordingly, while not acceding to the propriety of the rejections of the base claims, Applicants have amended the claims to accept the subject matter deemed allowable by the Examiner.

In particular, claim 1 has been cancelled, claim 8 has been amended to include the subject matter of former claim 1, and dependent claims 2-7 have been amended to now depend from claim 8. Claim 19 also has been amended to include the subject matter of former claim 1. Likewise, claim 39 has been cancelled, claims 42, 43, 44, 45, 49 and 52 have been amended to include the subject matter of former claim 39, and dependent claims 40 and 41 have been amended to now depend from claim 42. Hence, claims 2-38 and 40-52 are now believed to be in allowable condition.

Applicants respectfully reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments and cancellations herein.

B. Claim Rejections Under 35 U.S.C. §102

Claim 71 was rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Havel (U.S. Patent No. 6,181,126). Applicants respectfully traverse this rejection. However, Applicants have cancelled claim 71 to expedite allowance of the present application. Since claim 71 is cancelled, this rejection now is moot. Applicants reserve the right to pursue the subject matter of cancelled claim 71 in a related application.

C. Claim Rejections Under 35 U.S.C. §103

Claims 1-7 and 39-41 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Bailey, et al. (U.S. Patent No. 5,752,766) in view of Havel (U.S. Patent No. 6,181,126). Applicants respectfully traverse these rejections. Since claims 1 and 39 are cancelled and claims 2-7, 40 and 41 have been amended to depend from allowable independent claims, these rejections now are moot.

D. Examiner's Statement of Reasons for Allowance

On pages 3 and 4, the Office Action indicates various statements by the Examiner regarding reasons for allowance. While Applicants agree that the prior art does not disclose the limitations indicated in the Examiner's reasons for allowance, Applicants respectfully note that the indicated limitations are not necessarily found in each of the independent claims, which may be patentable over the prior art for other reasons. In particular, each of the independent claims distinguishes over the prior art based on the specific limitations recited in the claims and is patentable on its own merits.

E. Other Issues

Applicants' representative appreciates the courtesies extended by Examiner Tran during a telephone conference on February 12, 2003. In the telephone conference, Applicants' representative apprised the Examiner of some inconsistencies in the Office Action Summary sheet. For example, in item 1 of the Office Action Summary, the status indicates that the Office

Action is responsive to communications filed on 25 October 2001. However, Applicants' representative pointed out to the Examiner that a Preliminary Amendment was filed in this case on August 20, 2002. Additionally, although item 10 on the Office Action Summary is not checked, formal drawings were filed on May 14, 2002. With regard to priority under 35 U.S.C. §§119 and 120, Applicants' representative noted that although item 13 is checked on the Office Action Summary sheet, there is no foreign priority claim under 35 U.S.C. §119(a) – (d) or (f). Instead, the present application includes a foreign priority claim under 35 U.S.C. §119(e) as well as a domestic priority claim under 35 U.S.C. §120. Accordingly, boxes 14 and 15 of the Office Action Summary sheet should have been checked.

Finally, Applicants' representative noted to the Examiner that an IDS was filed on October 11, 2002. However, an initialed copy of the 1449 Form accompanying this IDS was not included with the Office Action.

The Examiner indicated that each of the foregoing issues would be addressed in a subsequent communication from the Patent Office in connection with this application.

F. Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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